

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

December 17, 2009

Charles R. Fulbruge III  
Clerk

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No. 09-20124  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JOSE CANDELARIO VILLATORO-ESCOBAR, also known as Jose Villatoro-Escobar, also known as Jose C. Villatoro, also known as Fidel Billatoro, also known as Juan Garcia, also known as Jose Candelario Villatoro Escobar, also known as Jose Cadelfario Villatoro, also known as Jose Umana, also known as Jose Villatoro, also known as Jose Candelar Villatoro-Escobar, also known as Jesse Portilla, also known as Jose Cadelario Villatoro,

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:08-CR-60-1

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Before GARZA, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:\*

The attorney appointed to represent Jose Candelario Villatoro-Escobar (Villatoro) has moved for leave to withdraw and has filed a brief in accordance with *Anders v. California*, 386 U.S. 738 (1967). Villatoro has filed a response.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Our independent review of the record, counsel's brief, and Villatoro's response discloses no nonfrivolous issue for appeal. Accordingly, counsel's motion for leave to withdraw is GRANTED, counsel is excused from further responsibilities herein, and the APPEAL IS DISMISSED. *See* 5TH CIR. R. 42.2. Villatoro's request to proceed pro se on appeal is DENIED. *See United States v. Wagner*, 158 F.3d 901, 902-03 (5th Cir. 1998).